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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,957	10/08/2003	Raymond Surace	EH-10746 (02-542)	7916

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BACHMAN & LAPOINTE, P.C.
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NEW HAVEN, CT 06510

EXAMINER

NGUYEN, NINH H

ART UNIT PAPER NUMBER

3745

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/681,957

Applicant(s)

SURACE ET AL.

Examiner

Ninh H. Nguyen

Art Unit

3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 8, 11 and 12 is/are rejected.
- 7) ☒ Claim(s) 5, 7, 9 and 10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) ☒ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) ☐ Notice of Informal Patent Application (PTO-152) |
| 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/08/03</u> . | 6) ☐ Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 6, 8, 11, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Gonsor et al. (5,827,047).

Gonsor discloses a turbomachine blade damper (Figs. 1-7) comprising a damper member 40 having first and second damping surfaces for respectively engaging first and second surfaces of adjacent first and second blades (Fig. 1); and a seal 42 having a first portion engaged to the damping member to resist movement of the seal in at least radial direction; and a second portion for restricting gas flow by at least one of the blades (Fig. 1);

wherein the seal consists essentially of sheet metal and the damper member consists essentially of cast or machined metal (Fig. 1);

wherein the seal consists essentially of a nickel- or cobalt-based alloy (col. 7, lines 22-26); and the damper member consists essentially of a nickel- or cobalt-based alloy (col. 6, lines 49-54);

wherein the second portion of the seal is at least partially wider than the damping member (Fig. 1); and

wherein the second portion of the seal is radially inboard of the damping member (Fig. 1).

Art Unit: 3745

3. Claims 1, 2, 4, 11, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Barcza (5,513,955).

Barcza discloses a turbomachine blade damper (Figs. 1-6) comprising a damper member 16 having first and second damping surfaces for respectively engaging first and second surfaces of adjacent first and second blades (Fig. 1); and a seal 14 having a first portion engaged to the damping member to resist movement of the seal in at least radial direction; and a second portion for restricting gas flow by at least one of the blades (Fig. 1);

wherein the seal consists essentially of sheet metal and the damper member consists essentially of cast or machined metal (Fig. 1); and

wherein the damper member retains the seal against axial movement in at least one direction and against inward radial movement (Fig. 1).

Allowable Subject Matter

4. Claims 5, 7, 9, and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior Art

The prior art made of record but not relied upon is considered pertinent to applicant's disclosure and consists of 2 patents.

Chlus (5,228,835) and Brown et al. (4,872,810) are cited to show different turbine blade dampers and seals.

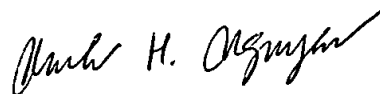
Art Unit: 3745

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Ninh Nguyen whose telephone number is (703) 305-0061 or (571) 272-4823 after November 18, 2004. The examiner can be normally reached on Monday-Friday from 7:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached at (703) 308-1044 or (571) 272-4820 after November 18, 2004. The fax number for this group is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, please go to <http://pair-direct.uspto.gov> or contact the Electronic Business center (EBC) at 866-217-9197 (toll-free).



**NINH H. NGUYEN
PRIMARY EXAMINER**

Nhn
November 16, 2004